

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ELIZABETH VILLARREAL

VS.

WAL-MART STORES TEXAS, LLC

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§

CIVIL ACTION NO.: 20-cv-802

JURY DEMANDED

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant, Wal-Mart Stores Texas, LLC files this Notice of Removal pursuant to 28 U.S.C. § 1441, as follows:

**Commencement and Service**

1. On December 6, 2019, Plaintiff, Elizabeth Villarreal commenced this action against Wal-Mart Stores Texas, LLC by filing Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication, TRCP194.2 Requests for Disclosure and Attached Discovery in 166<sup>th</sup> Judicial District Court, Bexar County, Texas; Cause No. 2019CI24948; *Elizabeth Villarreal v. Wal-Mart Stores Texas, LLC*. A copy of Plaintiff's Original Petition TRCP 193.7 Notice of Self-Authentication, TRCP194.2 Requests for Disclosure and Attached Discovery is attached hereto as **Exhibit A**. Wal-Mart Stores Texas, LLC received service of process and Plaintiff's Original Petition TRCP 193.7 Notice of Self-Authentication, TRCP194.2 Requests for Disclosure and Attached Discovery on December 26, 2019. A copy of the Service of Process Transmittal is attached hereto as **Exhibit B**.

2. On January 17, 2020, Wal-Mart Stores Texas, LLC filed its Original Answer to Plaintiff's Original Petition which is attached as **Exhibit C** and Demand for Jury Trial, attached as **Exhibit D**.

3. This notice of removal is filed within thirty days (30) of the receipt of the Plaintiff's settlement demand dated June 12, 2020, attached hereto as **Exhibit E**, which disclosed for the first

time that this matter involves an amount in controversy exceeding \$75,000.00, and is timely filed under 28 U.S.C. § 1446(b). This notice of removal is filed within one year of the commencement of this action and is thus timely pursuant to 28 U.S.C. § 1446(b).

**Grounds for Removal**

4. Wal-Mart Stores Texas, LLC is entitled to remove the state court action to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because this action is a civil action involving an amount in controversy exceeding \$75,000.00 between parties with diverse citizenship.

**Diversity of Citizenship**

5. This is an action between parties with diversity of citizenship.

6. Plaintiff is a Texas citizen with her residence in Bexar County, Texas.

7. Defendant Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and

WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.).

8. No change of citizenship has occurred since commencement of the state court action. Accordingly, diversity of citizenship exists among the parties.

**Amount in Controversy**

9. In Plaintiff's settlement demand dated June 12, 2020, she makes a demand for \$250,000.00. (see **Exhibit E**). Accordingly, the total amount in controversy in this case exceeds the sum of \$75,000.00.

**Venue**

10. Venue lies in the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the Plaintiff filed the state court action in this judicial district and division.

**Notice**

11. Contemporaneous with the filing of this notice of removal, Defendant will give notice of this filing to all parties of record pursuant to 28 U.S.C. § 1446(d). Defendant will also file with the clerk of the state court, and will serve upon Plaintiff's counsel and all other parties' counsel of record, a notice of the filing of this notice of removal.

**Jury Demand**

12. Defendant, Wal-Mart Stores Texas, LLC demanded a jury trial in the state court

action.

**State Court Pleadings**

13. Copies of state court pleadings which are referenced within the Notice are attached to this Notice of Removal as **Exhibits A through E**. This case is being removed from the 166<sup>th</sup> Judicial District Court, Bexar County, Texas.

**Exhibits to Notice of Removal**

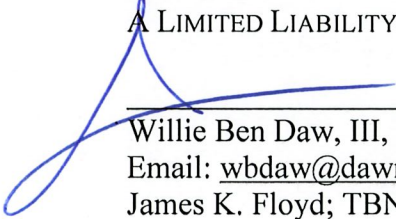
14. The following documents are attached to this Notice as correspondingly lettered exhibits:

- A. Plaintiff's Original Petition, TRCP 193.7 Notice of Self-Authentication, TRCP 194.2 Requests for Disclosure and Attached Discovery.
- B. Service of Process Transmittal.
- C. Defendant, Wal-Mart Stores Texas, LLC's Original Answer to Plaintiff's Original Petition.
- D. Defendant, Wal-Mart Stores Texas, LLC's Demand for Jury Trial.
- E. Plaintiff's Settlement Demand dated June 12, 2020.
- F. Plaintiff's Designation of Lead Counsel.
- G. Plaintiff's Notice of Filing Business Record Affidavits and Medical Expense Affidavits.
- H. District Clerk's Register of Actions.
- I. List of Counsel of Record.

WHEREFORE, Defendant Wal-Mart Stores Texas, LLC pursuant to the statutes cited herein and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes this action from 166<sup>th</sup> Judicial District Court, Bexar County, Texas.

Respectfully submitted,

DAW & RAY  
A LIMITED LIABILITY PARTNERSHIP



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**ATTORNEYS FOR DEFENDANT,  
WAL-MART STORES TEXAS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record in accordance with the FRCP on this the 10<sup>th</sup> day of July, 2020.

John Arthur Daspit  
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**ATTORNEYS FOR PLAINTIFF**

  
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James K. Floyd